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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-210-E - ORDER NO. 96-635
SEPTEMBER 12, 1996

IN RE: Phil Melvin,)	ORDER
)	DISMISSING
Complainant,)	COMPLAINT
)	
vs.)	
)	
Duke Power Company,)	
)	
Respondent.)	
)	
)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Duke Power Company (Duke or the Company) to dismiss the instant complaint.

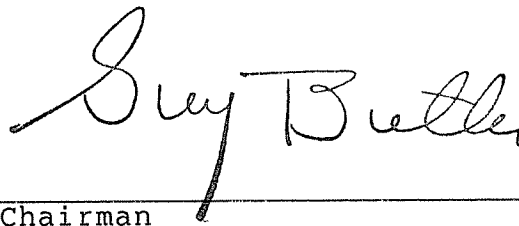
On May 1, 1996, Mr. Phil Melvin (Melvin or the Complainant) filed a Letter of Complaint against Duke with the Commission. On July 10, 1996, the Commission established pre-filing deadlines in the complaint proceeding. Pursuant to the Commission's Order, the Complainant Melvin was required to prefile and serve testimony and exhibits on or before August 21, 1996. Melvin failed to accomplish this. After numerous attempts by the Commission Staff (the Staff) to contact Mr. Melvin, the Staff has been unsuccessful in doing so about his failure to prefile testimony and exhibits. Duke states that it is unable to file any testimony and exhibits in response, since Mr. Melvin failed to file original testimony

and exhibits. Duke therefore moves to dismiss the complaint in this matter.

The Commission has examined this matter, and grants the Motion to Dismiss the Complaint, based on the Complainant's failure to prefile testimony and exhibits as ordered by this Commission. However, this Order is without prejudice to Mr. Melvin's ability to refile his complaint at a later date, if appropriate.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)